

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1307 be amended to read as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Delete pages 2 through 6.
- 3 Page 7, delete lines 1 through 24.
- 4 Page 16, line 6, delete "2007," and insert "**2006**".
- 5 Page 16, delete lines 15 through 42, begin a new line block
- 6 indented and insert:
 - 7 "**(9) With respect to injuries occurring on and after July 1,**
 - 8 **2006, for each degree of permanent impairment from one (1)**
 - 9 **to ten (10), one thousand five hundred dollars (\$1,515) per**
 - 10 **degree; for each degree of permanent impairment from**
 - 11 **eleven (11) to thirty-five (35), one thousand seven hundred**
 - 12 **dollars (\$1,717) per degree; for each degree of permanent**
 - 13 **impairment from thirty-six (36) to fifty (50), two thousand**
 - 14 **seven hundred dollars (\$2,727) per degree; for each degree**
 - 15 **of permanent impairment above fifty (50), three thousand**
 - 16 **three hundred dollars (\$3,333) per degree.**
- 17 ~~(c)~~ **(k)** The average weekly wages used in the determination of
- 18 compensation for permanent partial impairment under subsections ~~(c)~~
- 19 **(i)** and ~~(d)~~ **(j)** shall not exceed the following:
 - 20 (1) With respect to injuries occurring on or after July 1, 1991,
 - 21 and before July 1, 1992, four hundred ninety-two dollars (\$492).
 - 22 (2) With respect to injuries occurring on or after July 1, 1992,
 - 23 and before July 1, 1993, five hundred forty dollars (\$540).
 - 24 (3) With respect to injuries occurring on or after July 1, 1993,
 - 25 and before July 1, 1994, five hundred ninety-one dollars (\$591).
 - 26 (4) With respect to injuries occurring on or after July 1, 1994,
 - 27 and before July 1, 1997, six hundred forty-two dollars (\$642).
 - 28 (5) With respect to injuries occurring on or after July 1, 1997,
 - 29 and before July 1, 1998, six hundred seventy-two dollars (\$672).

- (6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- (7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).
- (8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).
- (9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).
- (10) With respect to injuries occurring on or after July 1, 2002, **and before July 1, 2006**, eight hundred eighty-two dollars (\$882).
- (11) With respect to injuries occurring on or after July 1, 2006, nine hundred fifty-four dollars (\$963).**

SECTION 2. IC 22-3-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) In computing the compensation under this law with respect to injuries occurring on and after April 1, 1963, and prior to April 1, 1965, the average weekly wages shall be considered to be not more than seventy dollars (\$70) nor less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1965, and prior to April 1, 1967, the average weekly wages shall be considered to be not more than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1967, and prior to April 1, 1969, the average weekly wages shall be considered to be not more than eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1969, and prior to July 1, 1971, the average weekly wages shall be considered to be not more than ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, the average weekly wages shall be considered to be: (A) Not more than: (1) one hundred dollars (\$100) if no dependents; (2) one hundred five dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110) if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three (3) dependents; (5) one hundred twenty dollars (\$120) if four (4) dependents; and (6) one hundred twenty-five dollars (\$125) if five (5) or more dependents; and (B) Not less than thirty-five dollars (\$35). In computing compensation for temporary total disability, temporary partial disability, and total permanent disability under this law with respect to injuries occurring on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be (A) not more than one hundred thirty-five dollars (\$135); and (B) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall in no case exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability and total permanent disability under this law with respect to injuries occurring on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be (1) not more than one hundred fifty-six dollars (\$156)

and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be (1) not more than one hundred eighty dollars (\$180); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable may not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be (1) not more than one hundred ninety-five dollars (\$195); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be (1) not more than two hundred ten dollars (\$210); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be (1) not more than two hundred thirty-four dollars (\$234) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be (1) not more than two hundred forty-nine dollars (\$249) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

- (1) not more than two hundred sixty-seven dollars (\$267); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

(1) not more than two hundred eighty-five dollars (\$285); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

(1) not more than three hundred eighty-four dollars (\$384); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

(1) not more than four hundred eleven dollars (\$411); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

(1) not more than four hundred forty-one dollars (\$441); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

(1) not more than four hundred ninety-two dollars (\$492); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

(1) not more than five hundred forty dollars (\$540); and

(2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

(1) not more than five hundred ninety-one dollars (\$591); and

(2) not less than seventy-five dollars (\$75).

1 However, the weekly compensation payable shall not exceed the
 2 average weekly wages of the employee at the time of the injury.

3 (i) In computing compensation for temporary total disability,
 4 temporary partial disability, and total permanent disability, with respect
 5 to injuries occurring on and after July 1, 1994, and before July 1, 1997,
 6 the average weekly wages are considered to be:

7 (1) not more than six hundred forty-two dollars (\$642); and

8 (2) not less than seventy-five dollars (\$75).

9 However, the weekly compensation payable shall not exceed the
 10 average weekly wages of the employee at the time of the injury.

11 ~~(b)~~ (j) In computing compensation for temporary total disability,
 12 temporary partial disability, and total permanent disability, the average
 13 weekly wages are considered to be:

14 (1) with respect to injuries occurring on and after July 1, 1997,
 15 and before July 1, 1998:

16 (A) not more than six hundred seventy-two dollars (\$672);

17 and

18 (B) not less than seventy-five dollars (\$75);

19 (2) with respect to injuries occurring on and after July 1, 1998,
 20 and before July 1, 1999:

21 (A) not more than seven hundred two dollars (\$702); and

22 (B) not less than seventy-five dollars (\$75);

23 (3) with respect to injuries occurring on and after July 1, 1999,
 24 and before July 1, 2000:

25 (A) not more than seven hundred thirty-two dollars (\$732);

26 and

27 (B) not less than seventy-five dollars (\$75);

28 (4) with respect to injuries occurring on and after July 1, 2000,
 29 and before July 1, 2001:

30 (A) not more than seven hundred sixty-two dollars (\$762);

31 and

32 (B) not less than seventy-five dollars (\$75);

33 (5) with respect to injuries occurring on and after July 1, 2001,
 34 and before July 1, 2002:

35 (A) not more than eight hundred twenty-two dollars (\$822);

36 and

37 (B) not less than seventy-five dollars (\$75); ~~and~~

38 (6) with respect to injuries occurring on and after July 1, 2002,
 39 **and before July 1, 2006:**

40 (A) not more than eight hundred eighty-two dollars (\$882);

41 and

42 (B) not less than seventy-five dollars (\$75); **and**

43 **(7) with respect to injuries occurring on and after July 1,**
 44 **2006:**

45 **(A) not more than nine hundred fifty-four dollars**
 46 **(\$963); and**

47 **(B) not less than seventy-five dollars (\$82).**

48 However, the weekly compensation payable shall not exceed the
 49 average weekly wages of the employee at the time of the injury.

50 ~~(c) For the purpose of this section only and with respect to injuries~~

1 occurring on and after July 1, 1971, and prior to July 1, 1974, only; the
 2 term "dependent" as used in this section shall mean persons defined as
 3 presumptive dependents under section 19 of this chapter, except that
 4 such dependency shall be determined as of the date of the injury to the
 5 employee.

6 (d) With respect to any injury occurring on and after April 1, 1955,
 7 and prior to April 1, 1957, the maximum compensation exclusive of
 8 medical benefits, which shall be paid for an injury under any provisions
 9 of this law or under any combination of its provisions shall not exceed
 10 twelve thousand five hundred dollars (\$12,500) in any case. With
 11 respect to any injury occurring on and after April 1, 1957 and prior to
 12 April 1, 1963, the maximum compensation exclusive of medical
 13 benefits, which shall be paid for an injury under any provision of this
 14 law or under any combination of its provisions shall not exceed fifteen
 15 thousand dollars (\$15,000) in any case. With respect to any injury
 16 occurring on and after April 1, 1963, and prior to April 1, 1965, the
 17 maximum compensation exclusive of medical benefits, which shall be
 18 paid for an injury under any provision of this law or under any
 19 combination of its provisions shall not exceed sixteen thousand five
 20 hundred dollars (\$16,500) in any case. With respect to any injury
 21 occurring on and after April 1, 1965, and prior to April 1, 1967, the
 22 maximum compensation exclusive of medical benefits which shall be
 23 paid for any injury under any provision of this law or any combination
 24 of provisions shall not exceed twenty thousand dollars (\$20,000) in any
 25 case. With respect to any injury occurring on and after April 1, 1967,
 26 and prior to July 1, 1971, the maximum compensation exclusive of
 27 medical benefits which shall be paid for an injury under any provision
 28 of this law or any combination of provisions shall not exceed
 29 twenty-five thousand dollars (\$25,000) in any case. With respect to any
 30 injury occurring on and after July 1, 1971, and prior to July 1, 1974, the
 31 maximum compensation exclusive of medical benefits which shall be
 32 paid for any injury under any provision of this law or any combination
 33 of provisions shall not exceed thirty thousand dollars (\$30,000) in any
 34 case. With respect to any injury occurring on and after July 1, 1974,
 35 and before July 1, 1976, the maximum compensation exclusive of
 36 medical benefits which shall be paid for an injury under any provision
 37 of this law or any combination of provisions shall not exceed forty-five
 38 thousand dollars (\$45,000) in any case. With respect to an injury
 39 occurring on and after July 1, 1976, and before July 1, 1977, the
 40 maximum compensation, exclusive of medical benefits, which shall be
 41 paid for any injury under any provision of this law or any combination
 42 of provisions shall not exceed fifty-two thousand dollars (\$52,000) in
 43 any case. With respect to any injury occurring on and after July 1,
 44 1977, and before July 1, 1979, the maximum compensation, exclusive
 45 of medical benefits, which may be paid for an injury under any
 46 provision of this law or any combination of provisions may not exceed
 47 sixty thousand dollars (\$60,000) in any case. With respect to any injury
 48 occurring on and after July 1, 1979, and before July 1, 1980, the
 49 maximum compensation, exclusive of medical benefits, which may be
 50 paid for an injury under any provisions of this law or any combination

of provisions may not exceed sixty-five thousand dollars (\$65,000) in any case. With respect to any injury occurring on and after July 1, 1980, and before July 1, 1983, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed seventy thousand dollars (\$70,000) in any case. With respect to any injury occurring on and after July 1, 1983, and before July 1, 1984, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed seventy-eight thousand dollars (\$78,000) in any case. With respect to any injury occurring on and after July 1, 1984, and before July 1, 1985, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-three thousand dollars (\$83,000) in any case.

(k) With respect to any injury occurring on and after July 1, 1985, and before July 1, 1986, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) With respect to any injury occurring on and after July 1, 1986, and before July 1, 1988, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) With respect to any injury occurring on and after July 1, 1988, and before July 1, 1989, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) With respect to any injury occurring on and after July 1, 1989, and before July 1, 1990, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) With respect to any injury occurring on and after July 1, 1990, and before July 1, 1991, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

(p) With respect to any injury occurring on and after July 1, 1991, and before July 1, 1992, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

(q) With respect to any injury occurring on and after July 1, 1992, and before July 1, 1993, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

(r) With respect to any injury occurring on and after July 1, 1993, and before July 1, 1994, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

(s) With respect to any injury occurring on and after July 1, 1994, and before July 1, 1997, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

~~(r)~~ (t) The maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provision of this law or any combination of provisions may not exceed the following amounts in any case:

(1) With respect to an injury occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).

(2) With respect to an injury occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to an injury occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to an injury occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to an injury occurring on and after July 1, 2002, **and before July 1, 2006**, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to an injury occurring on and after July 1, 2006, three hundred eighteen thousand dollars (\$318,318).

SECTION 3. IC 22-3-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the

1 employer's insurance carrier shall notify the worker's compensation
 2 board and the employee in writing on a form prescribed by the worker's
 3 compensation board not later than thirty (30) days after the employer's
 4 knowledge of the claimed disablement. If a determination of liability
 5 cannot be made within thirty (30) days, the worker's compensation
 6 board may approve an additional thirty (30) days upon a written request
 7 of the employer or the employer's insurance carrier that sets forth the
 8 reasons that the determination could not be made within thirty (30) days
 9 and states the facts or circumstances that are necessary to determine
 10 liability within the additional thirty (30) days. More than thirty (30)
 11 days of additional time may be approved by the worker's compensation
 12 board upon the filing of a petition by the employer or the employer's
 13 insurance carrier that sets forth:

- 14 (1) the extraordinary circumstances that have precluded a
- 15 determination of liability within the initial sixty (60) days;
- 16 (2) the status of the investigation on the date the petition is filed;
- 17 (3) the facts or circumstances that are necessary to make a
- 18 determination; and
- 19 (4) a timetable for the completion of the remaining investigation.

20 An employer who fails to comply with this section is subject to a civil
 21 penalty of fifty dollars (\$50), to be assessed and collected by the board
 22 upon notice and hearing. Civil penalties collected under this section
 23 shall be deposited in the state general fund.

24 (b) Once begun, temporary total disability benefits may not be
 25 terminated by the employer unless:

- 26 (1) the employee has returned to work;
- 27 (2) the employee has died;
- 28 (3) the employee has refused to undergo a medical examination
- 29 under section 20 of this chapter;
- 30 (4) the employee has received five hundred (500) weeks of
- 31 temporary total disability benefits or has been paid the maximum
- 32 compensation allowable under section 19 of this chapter; or
- 33 (5) the employee is unable or unavailable to work for reasons
- 34 unrelated to the compensable disease.

35 In all other cases the employer must notify the employee in writing of
 36 the employer's intent to terminate the payment of temporary total
 37 disability benefits, and of the availability of employment, if any, on a
 38 form approved by the board. If the employee disagrees with the
 39 proposed termination, the employee must give written notice of
 40 disagreement to the board and the employer within seven (7) days after
 41 receipt of the notice of intent to terminate benefits. If the board and
 42 employer do not receive a notice of disagreement under this section, the
 43 employee's temporary total disability benefits shall be terminated. Upon
 44 receipt of the notice of disagreement, the board shall immediately
 45 contact the parties, which may be by telephone or other means and
 46 attempt to resolve the disagreement. If the board is unable to resolve the
 47 disagreement within ten (10) days of receipt of the notice of
 48 disagreement, the board shall immediately arrange for an evaluation of
 49 the employee by an independent medical examiner. The independent
 50 medical examiner shall be selected by mutual agreement of the parties

or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

(d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any overpayment which cannot be deducted from benefits due the employee.

(e) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1974, and before July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages, up to one hundred thirty-five dollars (\$135) average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(e) For disablements occurring on and after July 1, 1976, from

1 occupational disease resulting in temporary total disability for any work
 2 there shall be paid to the disabled employee during the temporary total
 3 disability weekly compensation equal to sixty-six and two-thirds
 4 percent (66 2/3%) of the employee's average weekly wages, as defined
 5 in section 19 of this chapter, for a period not to exceed five hundred
 6 (500) weeks. Compensation shall be allowed for the first seven (7)
 7 calendar days only if the disability continues for longer than twenty-one
 8 (21) days.

9 (f) For disablements occurring on and after April 1, 1951, and prior to
 10 July 1, 1971, from occupational disease resulting in temporary partial
 11 disability for work there shall be paid to the disabled employee during
 12 such disability a weekly compensation equal to sixty percent (60%) of
 13 the difference between the employee's average weekly wages and the
 14 weekly wages at which the employee is actually employed after the
 15 disablement, for a period not to exceed three hundred (300) weeks.
 16 Compensation shall be allowed for the first seven (7) calendar days
 17 only if the disability continues for longer than twenty-eight (28) days.
 18 In case of partial disability after the period of temporary total disability,
 19 the later period shall be included as part of the maximum period
 20 allowed for partial disability.

21 For disablements occurring on and after July 1, 1971, and prior to
 22 July 1, 1974, from occupational disease resulting in temporary partial
 23 disability for work there shall be paid to the disabled employee during
 24 such disability a weekly compensation equal to sixty percent (60%) of
 25 the difference between the employee's average weekly wages, as
 26 defined in section 19 of this chapter, and the weekly wages at which the
 27 employee is actually employed after the disablement, for a period not
 28 to exceed three hundred (300) weeks. Compensation shall be allowed
 29 for the first seven (7) calendar days only if the disability continues for
 30 longer than twenty-eight (28) days. In case of partial disability after the
 31 period of temporary total disability, the latter period shall be included
 32 as a part of the maximum period allowed for partial disability.

33 (f) For disablements occurring on and after July 1, 1974, from
 34 occupational disease resulting in temporary partial disability for work
 35 there shall be paid to the disabled employee during such disability a
 36 weekly compensation equal to sixty-six and two-thirds percent (66
 37 2/3%) of the difference between the employee's average weekly wages,
 38 as defined in section 19 of this chapter, and the weekly wages at which
 39 ~~he~~ **the employee** is actually employed after the disablement, for a
 40 period not to exceed three hundred (300) weeks. Compensation shall be
 41 allowed for the first seven (7) calendar days only if the disability
 42 continues for longer than twenty-one (21) days. In case of partial
 43 disability after the period of temporary total disability, the latter period
 44 shall be included as a part of the maximum period allowed for partial
 45 disability.

46 (g) For disabilities occurring on and after April 1, 1951, and prior
 47 to April 1, 1955, from occupational disease in the following schedule;
 48 the employee shall receive in lieu of all other compensation, on account
 49 of such disabilities, a weekly compensation of sixty percent (60%) of
 50 the employee's average weekly wage; for disabilities occurring on and

after April 1, 1955; and prior to July 1, 1971, from occupational disease in the following schedule; the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages:

For disabilities occurring on and after July 1, 1971, and before July 1, 1977, from occupational disease in the following schedule; the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of his average weekly wages not to exceed one hundred dollars (\$100) average weekly wages; for the period stated for such disabilities respectively:

For disabilities occurring on and after July 1, 1977, and before July 1, 1979, from occupational disease in the following schedule; the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of the occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages; not to exceed one hundred twenty-five dollars (\$125) average weekly wages; for the period stated for the disabilities:

(g) For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the ~~following~~ schedule **set forth in subsection (j)**, the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

(h) For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the ~~following~~ schedule **set forth in subsection (j)**, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the disabilities.

(i) For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the ~~following~~ schedule **set forth in subsection (j)**, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

(j) For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule; the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

- 1 (1) Amputations: For the loss by separation, of the thumb, sixty
2 (60) weeks; of the index finger, forty (40) weeks; of the second
3 finger, thirty-five (35) weeks; of the third or ring finger, thirty
4 (30) weeks; of the fourth or little finger, twenty (20) weeks; of
5 the hand by separation below the elbow, two hundred (200)
6 weeks; of the arm above the elbow joint, two hundred fifty (250)
7 weeks; of the big toe, sixty (60) weeks; of the second toe, thirty
8 (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe,
9 fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the
10 foot below the knee joint, one hundred fifty (150) weeks; and of
11 the leg above the knee joint, two hundred (200) weeks. The loss
12 of more than one (1) phalange of a thumb or toe shall be
13 considered as the loss of the entire thumb or toe. The loss of
14 more than two (2) phalanges of a finger shall be considered as
15 the loss of the entire finger. The loss of not more than one (1)
16 phalange of a thumb or toe shall be considered as the loss of
17 one-half (1/2) of the thumb or toe and compensation shall be paid
18 for one-half (1/2) of the period for the loss of the entire thumb or
19 toe. The loss of not more than two (2) phalanges of a finger shall
20 be considered as the loss of one-half (1/2) the finger and
21 compensation shall be paid for one-half (1/2) of the period for
22 the loss of the entire finger.
- 23 (2) Loss of Use: The total permanent loss of the use of an arm,
24 hand, thumb, finger, leg, foot, toe, or phalange shall be
25 considered as the equivalent of the loss by separation of the arm,
26 hand, thumb, finger, leg, foot, toe, or phalange and the
27 compensation shall be paid for the same period as for the loss
28 thereof by separation.
- 29 (3) Partial Loss of Use: For the permanent partial loss of the use
30 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,
31 compensation shall be paid for the proportionate loss of the use
32 of such arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 33 (4) For disablements for occupational disease resulting in total
34 permanent disability, five hundred (500) weeks.
- 35 (5) For the loss of both hands, or both feet, or the total sight of
36 both eyes, or any two (2) of such losses resulting from the same
37 disablement by occupational disease, five hundred (500) weeks.
- 38 (6) For the permanent and complete loss of vision by enucleation
39 of an eye or its reduction to one-tenth (1/10) of normal vision
40 with glasses, one hundred fifty (150) weeks, and for any other
41 permanent reduction of the sight of an eye, compensation shall
42 be paid for a period proportionate to the degree of such
43 permanent reduction without correction or glasses. However,
44 when such permanent reduction without correction or glasses
45 would result in one hundred percent (100%) loss of vision, but
46 correction or glasses would result in restoration of vision, then
47 compensation shall be paid for fifty percent (50%) of such total
48 loss of vision without glasses plus an additional amount equal to
49 the proportionate amount of such reduction with glasses, not to
50 exceed an additional fifty percent (50%).

- 1 (7) For the permanent and complete loss of hearing, two hundred
2 (200) weeks.
- 3 (8) In all other cases of permanent partial impairment,
4 compensation proportionate to the degree of such permanent
5 partial impairment, in the discretion of the worker's
6 compensation board, not exceeding five hundred (500) weeks.
- 7 (9) In all cases of permanent disfigurement, which may impair
8 the future usefulness or opportunities of the employee,
9 compensation in the discretion of the worker's compensation
10 board, not exceeding two hundred (200) weeks, except that no
11 compensation shall be payable under this paragraph where
12 compensation shall be payable under subdivisions (1) through
13 (8). Where compensation for temporary total disability has been
14 paid, this amount of compensation shall be deducted from any
15 compensation due for permanent disfigurement.
- 16 **(k)** With respect to disablements in the following schedule
17 occurring on and after July 1, 1991, the employee shall receive in
18 addition to temporary total disability benefits, not exceeding one
19 hundred twenty-five (125) weeks on account of the disablement,
20 compensation in an amount determined under the following schedule
21 to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%)
22 of the employee's average weekly wages during the fifty-two (52)
23 weeks immediately preceding the week in which the disablement
24 occurred:
- 25 (1) Amputation: For the loss by separation of the thumb, twelve
26 (12) degrees of permanent impairment; of the index finger, eight
27 (8) degrees of permanent impairment; of the second finger, seven
28 (7) degrees of permanent impairment; of the third or ring finger,
29 six (6) degrees of permanent impairment; of the fourth or little
30 finger, four (4) degrees of permanent impairment; of the hand by
31 separation below the elbow joint, forty (40) degrees of
32 permanent impairment; of the arm above the elbow, fifty (50)
33 degrees of permanent impairment; of the big toe, twelve (12)
34 degrees of permanent impairment; of the second toe, six (6)
35 degrees of permanent impairment; of the third toe, four (4)
36 degrees of permanent impairment; of the fourth toe, three (3)
37 degrees of permanent impairment; of the fifth or little toe, two (2)
38 degrees of permanent impairment; of separation of the foot below
39 the knee joint, thirty-five (35) degrees of permanent impairment;
40 and of the leg above the knee joint, forty-five (45) degrees of
41 permanent impairment.
- 42 (2) Amputations occurring on or after July 1, 1997: For the loss
43 by separation of any of the body parts described in subdivision
44 (1) on or after July 1, 1997, the dollar values per degree applying
45 on the date of the injury as described in subsection ~~(h)~~ **(l)** shall be
46 multiplied by two (2). However, the doubling provision of this
47 subdivision does not apply to a loss of use that is not a loss by
48 separation.
- 49 (3) The loss of more than one (1) phalange of a thumb or toe
50 shall be considered as the loss of the entire thumb or toe. The

loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (1/2) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (1/2) of the finger and compensation shall be paid for one-half (1/2) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (6), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

~~(h)~~ **(l)** With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection ~~(d)~~ **(k)** and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1,

- 1 1997, and before July 1, 1998, for each degree of permanent
 2 impairment from one (1) to ten (10), seven hundred fifty dollars
 3 (\$750) per degree; for each degree of permanent impairment
 4 from eleven (11) to thirty-five (35), one thousand dollars
 5 (\$1,000) per degree; for each degree of permanent impairment
 6 from thirty-six (36) to fifty (50), one thousand four hundred
 7 dollars (\$1,400) per degree; for each degree of permanent
 8 impairment above fifty (50), one thousand seven hundred dollars
 9 (\$1,700) per degree.
- 10 (5) With respect to disablements occurring on and after July 1,
 11 1998, and before July 1, 1999, for each degree of permanent
 12 impairment from one (1) to ten (10), seven hundred fifty dollars
 13 (\$750) per degree; for each degree of permanent impairment
 14 from eleven (11) to thirty-five (35), one thousand dollars
 15 (\$1,000) per degree; for each degree of permanent impairment
 16 from thirty-six (36) to fifty (50), one thousand four hundred
 17 dollars (\$1,400) per degree; for each degree of permanent
 18 impairment above fifty (50), one thousand seven hundred dollars
 19 (\$1,700) per degree.
- 20 (6) With respect to disablements occurring on and after July 1,
 21 1999, and before July 1, 2000, for each degree of permanent
 22 impairment from one (1) to ten (10), nine hundred dollars (\$900)
 23 per degree; for each degree of permanent impairment from
 24 eleven (11) to thirty-five (35), one thousand one hundred dollars
 25 (\$1,100) per degree; for each degree of permanent impairment
 26 from thirty-six (36) to fifty (50), one thousand six hundred
 27 dollars (\$1,600) per degree; for each degree of permanent
 28 impairment above fifty (50), two thousand dollars (\$2,000) per
 29 degree.
- 30 (7) With respect to disablements occurring on and after July 1,
 31 2000, and before July 1, 2001, for each degree of permanent
 32 impairment from one (1) to ten (10), one thousand one hundred
 33 dollars (\$1,100) per degree; for each degree of permanent
 34 impairment from eleven (11) to thirty-five (35), one thousand
 35 three hundred dollars (\$1,300) per degree; for each degree of
 36 permanent impairment from thirty-six (36) to fifty (50), two
 37 thousand dollars (\$2,000) per degree; for each degree of
 38 permanent impairment above fifty (50), two thousand five
 39 hundred fifty dollars (\$2,500) per degree.
- 40 (8) With respect to disablements occurring on and after July 1,
 41 2001, **and before July 1, 2006**, for each degree of permanent
 42 impairment from one (1) to ten (10), one thousand three hundred
 43 dollars (\$1,300) per degree; for each degree of permanent
 44 impairment from eleven (11) to thirty-five (35), one thousand
 45 five hundred dollars (\$1,500) per degree; for each degree of
 46 permanent impairment from thirty-six (36) to fifty (50), two
 47 thousand four hundred dollars (\$2,400) per degree; for each
 48 degree of permanent impairment above fifty (50), three thousand
 49 dollars (\$3,000) per degree.
- 50 **(9) With respect to disablements occurring on and after July**

1 **1, 2006, for each degree of permanent impairment from one**
 2 **(1) to ten (10), one thousand five hundred dollars (\$1,515) per**
 3 **degree; for each degree of permanent impairment from**
 4 **eleven (11) to thirty-five (35), one thousand seven hundred**
 5 **dollars (\$1,717) per degree; for each degree of permanent**
 6 **impairment from thirty-six (36) to fifty (50), two thousand**
 7 **seven hundred dollars (\$2,727) per degree; for each degree**
 8 **of permanent impairment above fifty (50), three thousand**
 9 **three hundred dollars (\$3,333) per degree.**

10 ~~(i)~~ **(m)** The average weekly wages used in the determination of
 11 compensation for permanent partial impairment under subsections ~~(g)~~
 12 **(k)** and ~~(h)~~ **(l)** shall not exceed the following:

13 (1) With respect to disablements occurring on or after July 1,
 14 1991, and before July 1, 1992, four hundred ninety-two dollars
 15 (\$492).

16 (2) With respect to disablements occurring on or after July 1,
 17 1992, and before July 1, 1993, five hundred forty dollars (\$540).

18 (3) With respect to disablements occurring on or after July 1,
 19 1993, and before July 1, 1994, five hundred ninety-one dollars
 20 (\$591).

21 (4) With respect to disablements occurring on or after July 1,
 22 1994, and before July 1, 1997, six hundred forty-two dollars
 23 (\$642).

24 (5) With respect to disablements occurring on or after July 1,
 25 1997, and before July 1, 1998, six hundred seventy-two dollars
 26 (\$672).

27 (6) With respect to disablements occurring on or after July 1,
 28 1998, and before July 1, 1999, seven hundred two dollars (\$702).

29 (7) With respect to disablements occurring on or after July 1,
 30 1999, and before July 1, 2000, seven hundred thirty-two dollars
 31 (\$732).

32 (8) With respect to disablements occurring on or after July 1,
 33 2000, and before July 1, 2001, seven hundred sixty-two dollars
 34 (\$762).

35 (9) With respect to injuries occurring on or after July 1, 2001,
 36 and before July 1, 2002, eight hundred twenty-two dollars
 37 (\$822).

38 (10) With respect to injuries occurring on or after July 1, 2002,
 39 **and before July 1, 2006**, eight hundred eighty-two dollars
 40 (\$882).

41 **(11) With respect to injuries occurring on or after July 1,**
 42 **2006, nine hundred fifty-four dollars (\$963).**

43 ~~(j)~~ **(n)** If any employee, only partially disabled, refuses
 44 employment suitable to ~~his~~ **the employee's** capacity procured for ~~him~~;
 45 ~~he~~ **the employee, the employee** shall not be entitled to any
 46 compensation at any time during the continuance of such refusal unless,
 47 in the opinion of the worker's compensation board, such refusal was
 48 justifiable. The employee must be served with a notice setting forth the
 49 consequences of the refusal under this subsection. The notice must be
 50 in a form prescribed by the worker's compensation board.

1 ~~(k)~~ **(o)** If an employee has sustained a permanent impairment or
 2 disability from an accidental injury other than an occupational disease
 3 in another employment than that in which ~~he~~ **the employee** suffered a
 4 subsequent disability from an occupational disease, such as herein
 5 specified, the employee shall be entitled to compensation for the
 6 subsequent disability in the same amount as if the previous impairment
 7 or disability had not occurred. However, if the permanent impairment
 8 or disability resulting from an occupational disease for which
 9 compensation is claimed results only in the aggravation or increase of
 10 a previously sustained permanent impairment from an occupational
 11 disease or physical condition regardless of the source or cause of such
 12 previously sustained impairment from an occupational disease or
 13 physical condition, the board shall determine the extent of the
 14 previously sustained permanent impairment from an occupational
 15 disease or physical condition as well as the extent of the aggravation or
 16 increase resulting from the subsequent permanent impairment or
 17 disability, and shall award compensation only for that part of said
 18 occupational disease or physical condition resulting from the
 19 subsequent permanent impairment. An amputation of any part of the
 20 body or loss of any or all of the vision of one (1) or both eyes caused
 21 by an occupational disease shall be considered as a permanent
 22 impairment or physical condition.

23 ~~(h)~~ **(p)** If an employee suffers a disablement from occupational
 24 disease for which compensation is payable while the employee is still
 25 receiving or entitled to compensation for a previous injury by accident
 26 or disability by occupational disease in the same employment, ~~he~~ **the**
 27 **employee** shall not at the same time be entitled to compensation for
 28 both, unless it be for a permanent injury, such as specified in subsection
 29 ~~(g)(1), (g)(4), (g)(5), (g)(8), or (g)(9); (k)(1), (k)(4), (k)(5), (k)(8), or~~
 30 **(k)(9)**, but the employee shall be entitled to compensation for that
 31 disability and from the time of that disability which will cover the
 32 longest period and the largest amount payable under this chapter.

33 ~~(m)~~ **(q)** If an employee receives a permanent disability from
 34 occupational disease such as specified in subsection ~~(g)(1), (g)(4),~~
 35 ~~(g)(5), (g)(8), or (g)(9) (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9)~~ after
 36 having sustained another such permanent disability in the same
 37 employment the employee shall be entitled to compensation for both
 38 such disabilities, but the total compensation shall be paid by extending
 39 the period and not by increasing the amount of weekly compensation
 40 and, when such previous and subsequent permanent disabilities, in
 41 combination result in total permanent disability or permanent total
 42 impairment, compensation shall be payable for such permanent total
 43 disability or impairment, but payments made for the previous disability
 44 or impairment shall be deducted from the total payment of
 45 compensation due.

46 **(n)** When an employee has been awarded or is entitled to an award
 47 of compensation for a definite period under this chapter for disability
 48 from occupational disease, which disablement occurs on and after April
 49 1, 1951, and prior to April 1, 1963, and such employee dies from any
 50 other cause than such occupational disease, payment of the unpaid

balance of such compensation, not exceeding three hundred (300) weeks; shall be made to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter; and compensation, not exceeding five hundred (500) weeks, shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter. (r) When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

(s) Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but such deduction shall be made from the distal end of the period during which compensation must be paid, except in cases of temporary disability.

(t) When so provided in the compensation agreement or in the award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

(u) When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or dependent under eighteen (18) years of age do not exceed one hundred dollars (\$100), the payment thereof may be made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.

(v) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

(w) If an employee, or a dependent, is mentally incompetent, or a minor at the time when any right or privilege accrues to the employee under this chapter, the employee's guardian or trustee may, in the employee's behalf, claim and exercise such right and privilege.

(x) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee. himself.

SECTION 4. IC 22-3-7-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) In computing compensation for temporary total disability, temporary partial

disability; and total permanent disability under this law with respect to occupational diseases occurring:

(1) on and after July 1, 1974, and before July 1, 1976, the average weekly wages shall be considered to be:

(A) not more than one hundred thirty-five dollars (\$135); and

(B) not less than seventy-five dollars (\$75);

(2) on and after July 1, 1976, and before July 1, 1977, the average weekly wages shall be considered to be:

(A) not more than one hundred fifty-six dollars (\$156); and

(B) not less than seventy-five dollars (\$75);

(3) on and after July 1, 1977, and before July 1, 1979, the average weekly wages are considered to be:

(A) not more than one hundred eighty dollars (\$180); and

(B) not less than seventy-five dollars (\$75);

(4) on and after July 1, 1979, and before July 1, 1980, the average weekly wages are considered to be:

(A) not more than one hundred ninety-five dollars (\$195);

and

(B) not less than seventy-five dollars (\$75);

(5) on and after July 1, 1980, and before July 1, 1983, the average weekly wages are considered to be:

(A) not more than two hundred ten dollars (\$210); and

(B) not less than seventy-five dollars (\$75);

(6) on and after July 1, 1983, and before July 1, 1984, the average weekly wages are considered to be:

(A) not more than two hundred thirty-four dollars (\$234);

and

(B) not less than seventy-five dollars (\$75); and

(7) on and after July 1, 1984, and before July 1, 1985, the average weekly wages are considered to be:

(A) not more than two hundred forty-nine dollars (\$249);

and

(B) not less than seventy-five dollars (\$75);

(b) (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

(1) not more than two hundred sixty-seven dollars (\$267); and

(2) not less than seventy-five dollars (\$75).

(c) (b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

(1) not more than two hundred eighty-five dollars (\$285); and

(2) not less than seventy-five dollars (\$75).

(d) (c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

- 1 (1) not more than three hundred eighty-four dollars (\$384); and
- 2 (2) not less than seventy-five dollars (\$75).
- 3 ~~(c)~~ (d) In computing compensation for temporary total disability,
- 4 temporary partial disability, and total permanent disability, with respect
- 5 to occupational diseases occurring on and after July 1, 1989, and before
- 6 July 1, 1990, the average weekly wages are considered to be:
- 7 (1) not more than four hundred eleven dollars (\$411); and
- 8 (2) not less than seventy-five dollars (\$75).
- 9 ~~(f)~~ (e) In computing compensation for temporary total disability,
- 10 temporary partial disability, and total permanent disability, with respect
- 11 to occupational diseases occurring on and after July 1, 1990, and before
- 12 July 1, 1991, the average weekly wages are considered to be:
- 13 (1) not more than four hundred forty-one dollars (\$441); and
- 14 (2) not less than seventy-five dollars (\$75).
- 15 ~~(g)~~ (f) In computing compensation for temporary total disability,
- 16 temporary partial disability, and total permanent disability, with respect
- 17 to occupational diseases occurring on and after July 1, 1991, and before
- 18 July 1, 1992, the average weekly wages are considered to be:
- 19 (1) not more than four hundred ninety-two dollars (\$492); and
- 20 (2) not less than seventy-five dollars (\$75).
- 21 ~~(h)~~ (g) In computing compensation for temporary total disability,
- 22 temporary partial disability, and total permanent disability, with respect
- 23 to occupational diseases occurring on and after July 1, 1992, and before
- 24 July 1, 1993, the average weekly wages are considered to be:
- 25 (1) not more than five hundred forty dollars (\$540); and
- 26 (2) not less than seventy-five dollars (\$75).
- 27 ~~(i)~~ (h) In computing compensation for temporary total disability,
- 28 temporary partial disability, and total permanent disability, with respect
- 29 to occupational diseases occurring on and after July 1, 1993, and before
- 30 July 1, 1994, the average weekly wages are considered to be:
- 31 (1) not more than five hundred ninety-one dollars (\$591); and
- 32 (2) not less than seventy-five dollars (\$75).
- 33 ~~(j)~~ (i) In computing compensation for temporary total disability,
- 34 temporary partial disability, and total permanent disability, with respect
- 35 to occupational diseases occurring on and after July 1, 1994, and before
- 36 July 1, 1997, the average weekly wages are considered to be:
- 37 (1) not more than six hundred forty-two dollars (\$642); and
- 38 (2) not less than seventy-five dollars (\$75).
- 39 ~~(k)~~ (j) In computing compensation for temporary total disability,
- 40 temporary partial disability, and total permanent disability, the average
- 41 weekly wages are considered to be:
- 42 (1) with respect to occupational diseases occurring on and after
- 43 July 1, 1997, and before July 1, 1998:
- 44 (A) not more than six hundred seventy-two dollars (\$672);
- 45 and
- 46 (B) not less than seventy-five dollars (\$75);
- 47 (2) with respect to occupational diseases occurring on and after
- 48 July 1, 1998, and before July 1, 1999:
- 49 (A) not more than seven hundred two dollars (\$702); and
- 50 (B) not less than seventy-five dollars (\$75);

(3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732); and

(B) not less than seventy-five dollars (\$75);

(4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

(A) not more than seven hundred sixty-two dollars (\$762); and

(B) not less than seventy-five dollars (\$75);

(5) with respect to disablements occurring on and after July 1, 2001, and before July 1, 2002:

(A) not more than eight hundred twenty-two dollars (\$822); and

(B) not less than seventy-five dollars (\$75); ~~and~~

(6) with respect to disablements occurring on and after July 1, 2002, **and before July 1, 2006:**

(A) not more than eight hundred eighty-two dollars (\$882); and

(B) not less than seventy-five dollars (\$75); **and**

(7) with respect to disablements occurring on and after July 1, 2006:

(A) not more than nine hundred fifty-four dollars (\$963); and

(B) not less than seventy-five dollars (\$82).

~~(t)~~ The maximum compensation that shall be paid for occupational disease and its results under any one ~~(t)~~ or more provisions of this chapter with respect to disability or death occurring:

~~(1) on and after July 1, 1974, and before July 1, 1976, shall not exceed forty-five thousand dollars (\$45,000) in any case;~~

~~(2) on and after July 1, 1976, and before July 1, 1977, shall not exceed fifty-two thousand dollars (\$52,000) in any case;~~

~~(3) on and after July 1, 1977, and before July 1, 1979, may not exceed sixty thousand dollars (\$60,000) in any case;~~

~~(4) on and after July 1, 1979, and before July 1, 1980, may not exceed sixty-five thousand dollars (\$65,000) in any case;~~

~~(5) on and after July 1, 1980, and before July 1, 1983, may not exceed seventy thousand dollars (\$70,000) in any case;~~

~~(6) on and after July 1, 1983, and before July 1, 1984, may not exceed seventy-eight thousand dollars (\$78,000) in any case; and~~

~~(7) on and after July 1, 1984, and before July 1, 1985, may not exceed eighty-three thousand dollars (\$83,000) in any case.~~

~~(m)~~ **(k)** The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before July 1, 1988, which

1 shall be paid for occupational disease and the results thereof under the
 2 provisions of this chapter or under any combination of its provisions
 3 may not exceed ninety-five thousand dollars (\$95,000) in any case.

4 (m) The maximum compensation with respect to disability or death
 5 occurring on and after July 1, 1988, and before July 1, 1989, that shall
 6 be paid for occupational disease and the results thereof under this
 7 chapter or under any combination of its provisions may not exceed one
 8 hundred twenty-eight thousand dollars (\$128,000) in any case.

9 (n) The maximum compensation with respect to disability or death
 10 occurring on and after July 1, 1989, and before July 1, 1990, that shall
 11 be paid for occupational disease and the results thereof under this
 12 chapter or under any combination of its provisions may not exceed one
 13 hundred thirty-seven thousand dollars (\$137,000) in any case.

14 (o) The maximum compensation with respect to disability or death
 15 occurring on and after July 1, 1990, and before July 1, 1991, that shall
 16 be paid for occupational disease and the results thereof under this
 17 chapter or under any combination of its provisions may not exceed one
 18 hundred forty-seven thousand dollars (\$147,000) in any case.

19 (p) The maximum compensation with respect to disability or death
 20 occurring on and after July 1, 1991, and before July 1, 1992, that shall
 21 be paid for occupational disease and the results thereof under this
 22 chapter or under any combination of the provisions of this chapter may
 23 not exceed one hundred sixty-four thousand dollars (\$164,000) in any
 24 case.

25 (q) The maximum compensation with respect to disability or death
 26 occurring on and after July 1, 1992, and before July 1, 1993, that shall
 27 be paid for occupational disease and the results thereof under this
 28 chapter or under any combination of the provisions of this chapter may
 29 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

30 (r) The maximum compensation with respect to disability or death
 31 occurring on and after July 1, 1993, and before July 1, 1994, that shall
 32 be paid for occupational disease and the results thereof under this
 33 chapter or under any combination of the provisions of this chapter may
 34 not exceed one hundred ninety-seven thousand dollars (\$197,000) in
 35 any case.

36 (s) The maximum compensation with respect to disability or death
 37 occurring on and after July 1, 1994, and before July 1, 1997, that shall
 38 be paid for occupational disease and the results thereof under this
 39 chapter or under any combination of the provisions of this chapter may
 40 not exceed two hundred fourteen thousand dollars (\$214,000) in any
 41 case.

42 (t) The maximum compensation that shall be paid for occupational
 43 disease and the results of an occupational disease under this chapter or
 44 under any combination of the provisions of this chapter may not exceed
 45 the following amounts in any case:

46 (1) With respect to disability or death occurring on and after July
 47 1, 1997, and before July 1, 1998, two hundred twenty-four
 48 thousand dollars (\$224,000).

49 (2) With respect to disability or death occurring on and after July
 50 1, 1998, and before July 1, 1999, two hundred thirty-four

1 thousand dollars (\$234,000).

2 (3) With respect to disability or death occurring on and after July
3 1, 1999, and before July 1, 2000, two hundred forty-four
4 thousand dollars (\$244,000).

5 (4) With respect to disability or death occurring on and after July
6 1, 2000, and before July 1, 2001, two hundred fifty-four
7 thousand dollars (\$254,000).

8 (5) With respect to disability or death occurring on and after July
9 1, 2001, and before July 1, 2002, two hundred seventy-four
10 thousand dollars (\$274,000).

11 (6) With respect to disability or death occurring on and after July
12 1, 2002, **and before July 1, 2006**, two hundred ninety-four
13 thousand dollars (\$294,000).

14 **(7) With respect to disability or death occurring on and after**
15 **July 1, 2006, three hundred eighteen thousand dollars**
16 **(\$318,318).**

17 (u) For all disabilities occurring before July 1, 1985, "average
18 weekly wages" shall mean the earnings of the injured employee in the
19 employment in which the employee was working at the time of the last
20 exposure during the period of fifty-two (52) weeks immediately
21 preceding the last day of the last exposure divided by fifty-two (52). If
22 the employee lost seven (7) or more calendar days during the period,
23 although not in the same week, then the earnings for the remainder of
24 the fifty-two (52) weeks shall be divided by the number of weeks and
25 parts thereof remaining after the time lost has been deducted. Where the
26 employment prior to the last day of the last exposure extended over a
27 period of less than fifty-two (52) weeks, the method of dividing the
28 earnings during that period by the number of weeks and parts thereof
29 during which the employee earned wages shall be followed if results
30 just and fair to both parties will be obtained. Where by reason of the
31 shortness of the time during which the employee has been in the
32 employment of the employer or of the casual nature or terms of the
33 employment it is impracticable to compute the average weekly wages
34 as above defined, regard shall be had to the average weekly amount
35 which, during the fifty-two (52) weeks previous to the last day of the
36 last exposure, was being earned by a person in the same grade
37 employed at the same work by the same employer, or if there is no
38 person so employed, by a person in the same grade employed in that
39 same class of employment in the same district. Whenever allowances
40 of any character are made to an employee in lieu of wages or a
41 specified part of the wage contract, they shall be deemed a part of the
42 employee's earnings.

43 (v) (u) For all disabilities occurring on and after July 1, 1985,
44 "average weekly wages" means the earnings of the injured employee
45 during the period of fifty-two (52) weeks immediately preceding the
46 disability divided by fifty-two (52). If the employee lost seven (7) or
47 more calendar days during the period, although not in the same week,
48 then the earnings for the remainder of the fifty-two (52) weeks shall be
49 divided by the number of weeks and parts of weeks remaining after the
50 time lost has been deducted. If employment before the date of disability

1 extended over a period of less than fifty-two (52) weeks, the method of
 2 dividing the earnings during that period by the number of weeks and
 3 parts of weeks during which the employee earned wages shall be
 4 followed if results just and fair to both parties will be obtained. If by
 5 reason of the shortness of the time during which the employee has been
 6 in the employment of the employer or of the casual nature or terms of
 7 the employment it is impracticable to compute the average weekly
 8 wages for the employee, the employee's average weekly wages shall be
 9 considered to be the average weekly amount that, during the fifty-two
 10 (52) weeks before the date of disability, was being earned by a person
 11 in the same grade employed at the same work by the same employer or,
 12 if there is no person so employed, by a person in the same grade
 13 employed in that same class of employment in the same district.
 14 Whenever allowances of any character are made to an employee instead
 15 of wages or a specified part of the wage contract, they shall be
 16 considered a part of the employee's earnings.

17 ~~(w)~~ (v) The provisions of this article may not be construed to result
 18 in an award of benefits in which the number of weeks paid or to be paid
 19 for temporary total disability, temporary partial disability, or permanent
 20 total disability benefits combined exceeds five hundred (500) weeks.
 21 This section shall not be construed to prevent a person from applying
 22 for an award under IC 22-3-3-13. However, in case of permanent total
 23 disability resulting from a disablement occurring on or after January 1,
 24 1998, the minimum total benefit shall not be less than seventy-five
 25 thousand dollars (\$75,000)."

26 Delete pages 17 through 60.

27 Page 61, delete lines 1 through 31.

28 Renumber all SECTIONS consecutively.

(Reference is to HB 1307 as printed January 20, 2006.)

Representative STILWELL